

Belgium wants to provide some comments and suggestions on the Argentinian working paper about “transparency and exchange of information: its role in the prevention of diversion”, in particular on paragraph 7 of the possible recommendations.

As its current Chair, Belgium appreciates the acknowledgment by Argentina of the important role that the Dief could play in preventing and addressing cases of diversion. For the Dief to be successful it is adamant that all States Parties and signatory States that are confronted with a case of diversion consider sharing the relevant information in the Dief as part of their regular process in dealing with case. In other words, States Parties and signatory States should mainstream sharing relevant diversion-related information in the Dief. In order to obtain this purpose, trust-building among States that participate in the operation of the Dief is essential; States Parties and signatory States need to feel comfortable to share information that will be often be sensitive and maybe even confidential in nature. In that regard Belgium considers that especially in the start-up phase of the Dief, strict adherence to the Dief Terms of Reference is necessary, and that States Parties and signatory States should refrain from any suggestions that could be considered going beyond the carefully negotiated comprise text of the ToR rules, in particular rule 8. For that reason Belgium submits that even though paragraph 7 of the possible recommendations explicitly refers to rule 8 of the ToR, it is a bit confusing to encourage States to expand collaboration with civil society, industry, academia, and other relevant non-state actors *within the context of the operation of the Dief*, as it appears to suggest broadening the scope of participation in Dief meetings. As Chair, we have acknowledged the role that civil society can play in assisting States, also during the last WGTR meeting, and have emphasized time and again that the Dief is not a forum for policy discussions; for that we have the WGETI sub-group on article 11, where we can benefit from civil society input. In that regard, the recommendation should not be create ambiguity about the role of civil society and other non-state experts *within the Dief*; we would therefore suggest to slightly amend the first sentence of paragraph 7 as follows:

It is recommended that, within the context of the operation of Diversion Information Exchange Forum, the States: 1) involve the different state actors that can intervene in the detection of diversion cases, including export licensing and law enforcement officers in each State, ~~as well as;~~ and 2); where appropriate and in accordance with paragraph 8 of the Terms of Reference of the Diversion Information Exchange Forum , cooperate with ~~expand cooperation with~~ civil society, industry, academia, and other relevant non-state actors ~~that can assist in investigating, establishing, identifying and/or addressing cases of diversion [and presenting them in the Dief]~~.

In the same manner, we find the subsequent sentence of paragraph 7 also a bit confusing and potentially problematic in light of rule 8, in stating that *“the actors involved in transit and transshipment, importers, exporters, brokers, as well as States from which the transportation is organized, may also collaborate in the operation of the Dief”*. If this is also meant in terms of participation in the Dief, it is clear that State actors of States Parties and signatory States can participate in any case and that those non-state experts who would be eligible to participate are already covered under the previous sentence. In that regard, this sentence seems to suggest broadening participation in Dief meetings, which would run counter of rule 8 of the Terms of Reference. We do very much acknowledge the role of the actors that are actually involved in arms transfers in preventing diversion, but concerning the Dief, they cannot be considered as independent participants; their potential input will always need to be presented by the State Party or signatory State sharing information or presenting a concrete case. In that regard, we would suggest to replace the sentence in question as with the following: *“In sharing information and presenting cases, States should also consider the important role and the potential input of actors that are actually involved in transit, transshipment, import, export and brokering.”* Also here, we want to point to the limited mandate of the Dief; if this sentence wants to rather acknowledge the role of these actors in the *policy*

discussions about preventing diversion, it could read as follows: *“In addition, in their policy discussions on preventing diversion in the WGETI sub-group on article 11, States are encouraged to seek the views and input of actors that are actually involved in transit, transshipment, import, export and brokering”*.